



# Short-term Residential Rental Uses

Proposed accessory homestay regulations

Civic Federation Meeting

CHPD, Planning Division  
November 1, 2016

# Overview of presentation

- Background
  - Why regulate short-term rental
  - Why now?
- Models for proposed amendment
- Overview of key elements of proposed amendment
- Opportunities to provide feedback
- Questions

- On Tuesday, Sept 27 the County Manager recommended that the County Board ask staff to prepare a Request to Advertise for amendments to the Zoning Ordinance to regulate short term residential rental uses (e.g. Airbnb, VRBO, Craigslist and other on-line rental services)
- On October 15, the County Board authorized advertisement of proposed amendments for public hearings:
  - November 30 – Planning Commission
  - December 10 – County Board

- Why regulate this use?
  - Protect character of residential neighborhoods
  - Protect public health and safety
  - Zoning has received both complaints about illegal such use in residential neighborhoods, as well as inquiries about how to conduct short term residential rental legally
  - This use is not currently allowed under zoning; with no regulations in place, it is difficult to enforce

- Why now and why the short time frame?
  - The 2016 Virginia General Assembly passed legislation that would have precluded local governments from regulating short term rentals, regardless of zoning code regulations
  - The Governor referred the legislation to the Virginia Housing Commission asking them to study and develop a version of the bill that could be acted upon by the 2017 General Assembly
  - Staff does not know what the 2017 General Assembly will do, however, implementing regulations in Arlington now could help inform the State's decision

- How was proposed amendment developed?
  - Interdepartmental team comprised of subject experts
    - Planning and zoning
    - Building code
    - Housing
    - Economic development
  - Study of practices in other jurisdictions
    - Charlottesville, Roanoke, Botetourt County, VA
    - Portland, OR
    - Denver, CO
    - San Francisco, CA

- Community engagement process
  - Began when the County Board considered the advertisement at its public hearing on October 15, 2016
  - This is an atypical process for developing a proposed Zoning Ordinance amendment, as all public outreach occurs after advertising
- Advertised language establishes the scope of:
  - Elements the County Board may consider as part of a short-term residential rental amendment it considers in December; and
  - Elements it cannot consider without re-advertising

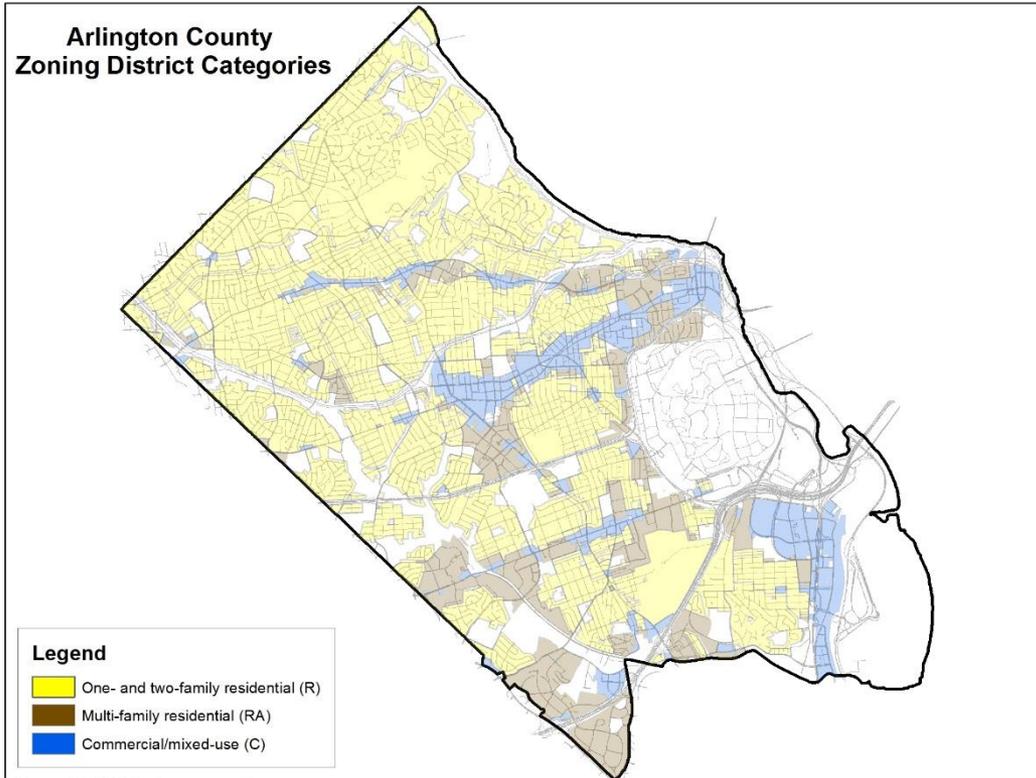
# What is accessory homestay?

- Accessory homestay
  - A short term rental (“accessory homestay”) is a home occupation in which an owner who occupies a dwelling unit as his/her primary residence, rents out that dwelling unit, or portion thereof, to a lodger
- Lodger
  - No individual lodger may rent the same dwelling for more than 30 days in one year. Compensation must be provided to the host.

- Where would accessory homestay be allowed?

– Any or all of:

- Single-family residential (R)
- Multiple-family (RA)
- Commercial/mixed-use (C)



# Building Code

- Accessory homestay is subject to other federal, state and local laws, including the Virginia USBC (Building Code)
- Multiple-family buildings
  - Building code issues may preclude accessory homestay in some multiple-family buildings
    - Different building code requirements apply to multiple-family buildings for fire protection, accessibility accessible parking and means of egress than required for single-family units
    - Probable that existing or older multiple-family buildings would require retrofitting in order to accommodate an accessory homestay consistent with building code requirements
    - New multiple-family buildings could be developed with these standards in place to accommodate future accessory homestay use, if desired

# How would accessory homestay be regulated?

	Element	Authorized Advertisement	Community Discussion
6	Area of dwelling unit used for accessory homestay	No limit is proposed (accessory homestay could include overnight rental of an entire house or apartment)	Allows for consideration of limits to the total area/percentage of the house or apartment that could be used
7	Parking	<ul style="list-style-type: none"> <li>▪ Up to one parking space required</li> <li>▪ Up to one parking space could be created of the accessory homestay use (other home occupations prohibit creation of any additional parking spaces)</li> </ul>	Allows for consideration of 0-1 spaces; and/or allowing or prohibiting creation of new off-street spaces

# What units could be rented for accessory homestay?

	Element	Authorized Advertisement	Community Discussion
8	Owner-occupancy and primary residence	<ul style="list-style-type: none"> <li>▪ Accessory homestay would be allowed only in units occupied by the owner of the unit</li> <li>▪ The unit must be occupied by the owner as his/her primary residence, requiring that he/she live there for 185-270 days/year</li> </ul>	<ul style="list-style-type: none"> <li>▪ Advertisement does not allow for continued discussion of whether owner-occupancy is required</li> <li>▪ Allows for consideration of defining primary residency as the owner of the unit occupying the unit from anywhere between 185-270 days/year</li> </ul>

# How many lodgers? Per multifamily building?

	Element	Authorized Advertisement	Community Discussion
9	Cap	Would limit the number of dwelling units within a multifamily building to the larger of 1 unit or 25% of the units	Allows for consideration of a larger cap, smaller cap or no cap
10	Maximum number of guests	Would limit the number of overnight lodgers per night to the larger of <ul style="list-style-type: none"> <li>▪ 6 people; or</li> <li>▪ 2 people per bedroom</li> </ul>	Would allow for consideration of any maximum number of lodgers, up to the larger of 6 people or 2 people/bedroom
11	Number of simultaneous contracts	Would limit the accessory homestay to no more than one contract for any overnight stay (e.g. all lodgers have to be in one party)	Proposed advertisement would not allow for continued discussion of this element

# Authorized advertisement

	Element	Authorized Advertisement	Community Discussion
12	Accessory dwellings	<ul style="list-style-type: none"> <li>▪ Would allow accessory dwellings to be used for accessory homestay</li> <li>▪ Would reduce the maximum number of lodgers per night by the number of people occupying the accessory dwelling</li> </ul>	<ul style="list-style-type: none"> <li>▪ Allows for consideration of either allowing or prohibiting use of accessory dwellings for accessory homestay</li> <li>▪ Allows for consideration of including or omitting the additional limitation on number of lodgers</li> </ul>
13	Family/caregiver suites	For advertising purposes, would allow accessory homestay in a family/caregiver suite	Allows for consideration of prohibiting or allowing accessory homestay in a family/caregiver suite

# Authorized advertisement

	Element	Authorized Advertisement	Community Discussion
14	Detached accessory buildings	Detached accessory buildings would not be allowed to be used for accessory homestay	Advertisement does not allow for continued discussion of these elements
15	Safety equipment	Would require: <ul style="list-style-type: none"> <li>▪ Smoke and CO detector</li> <li>▪ Fire extinguisher</li> </ul>	
16	Building code	Would require compliance with Virginia USBC for the dwelling and any room used as a sleeping room	
18	Commercial meetings	The accessory homestay permit would not allow any other commercial use as part of the accessory homestay, such as use for banquets, parties, etc.	
17	Food and beverages	The owner would not be allowed to prepare or serve food or beverages	Allows consideration of prohibiting or allowing food service

# Authorized advertisement

	Element	Authorized Advertisement	Community Discussion
19	Accessory homestay application	Would require: <ul style="list-style-type: none"> <li>▪ Contact information by the owner or responsible party</li> <li>▪ Proof that the dwelling unit to be used for the accessory homestay is occupied by the owner as his/her primary residence</li> </ul>	Advertisement does not allow for continued discussion of this element

# Authorized advertisement

	Element	Authorized Advertisement	Community Discussion
20	Accessory homestay permit	<p>An accessory homestay permit would be required and issued by the Zoning Administrator upon approval of application. The permit would:</p> <ul style="list-style-type: none"> <li>▪ Be valid for up to 2 years</li> <li>▪ Be required to be renewed by the owner upon expiration</li> <li>▪ Require the owner (and responsible party) to abide by all regulations and permit conditions</li> <li>▪ Authorize the Zoning Administrator or designee to enter the dwelling unit once per year to ensure compliance with all regulations and permit conditions</li> </ul>	<p>Advertisement allows for consideration of the validity of the permit for a period of up to a maximum of 2 years</p>

- **New definitions**

- **Accessory homestay**

- A home occupation in which an owner who occupies a dwelling unit as his/her primary residence, rents out that dwelling unit, or portion thereof, to a lodger

- **Lodger**

- An individual who contracts with an owner of a dwelling unit, for compensation, for not more than 30 days/yr

- **Responsible party**

- Owner or individual who is available 24 hr/day, 7 days/week and is located within 30 miles of an accessory homestay during its time of use

- **Revised definitions**

- **Guest**

- Clarifications consistent with practice

- **Dwelling or dwelling unit**

- With the proposed accessory homestay use, staff proposes that this definition should be more descriptive and articulate its one-family use

- Fees

- No fee proposed at this time
- Staff may propose as part of FY18 budget

- Enforcement

- Staff proposes any potential issues are easier to resolve when there are a set of standards in place
- Zoning office has fielded inquires from residents looking for a legal path
- Enforcement will be on a complaint-basis

- **Schedule**
  - October 19 – ZOCO
  - October 27 – Housing Commission
  - November 1 – Civic Federation
  - November 2 – Chamber of Commerce
  - **November 2 – Public open house**
  - **November 3 – Virtual Q&A**
  - November 8 – Economic Development Commission
  - November 21 – Commission on Aging
  - November 21 – Transportation Commission

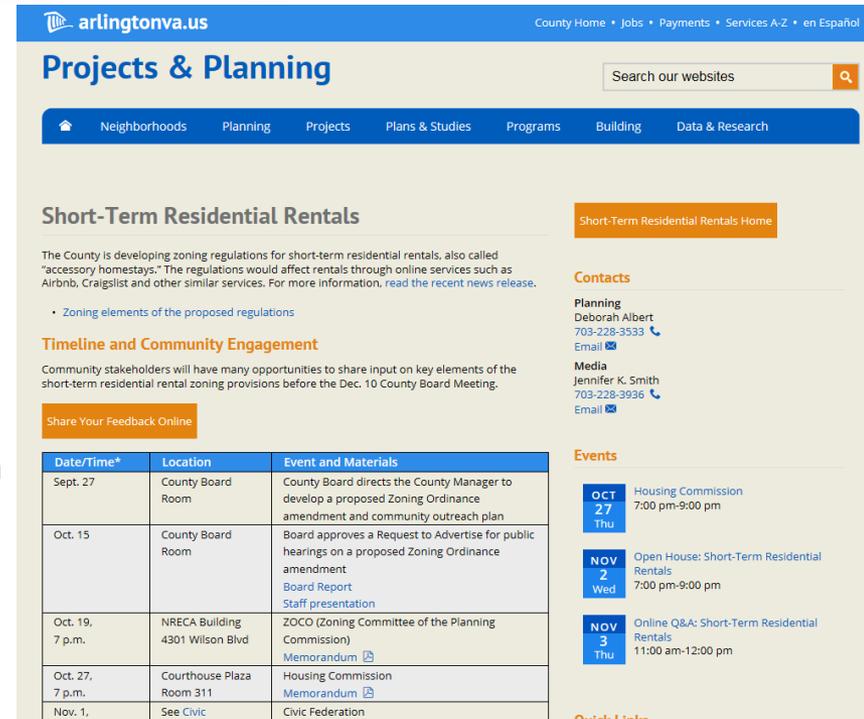
- **Share your feedback online**

- **Public hearings**

- November 30 - Planning Commission final consideration
- December 10 – County Board final consideration

- **Web site – search “homestay” on County home page**

- Subscribe to email updates



The screenshot shows the Arlington Virginia website's 'Projects & Planning' page. The main heading is 'Short-Term Residential Rentals'. Below this, there is a paragraph explaining that the County is developing zoning regulations for short-term residential rentals, also called 'accessory homestays'. A link is provided for 'Zoning elements of the proposed regulations'. There is a section for 'Timeline and Community Engagement' which states that community stakeholders will have many opportunities to share input on key elements of the short-term residential rental zoning provisions before the Dec. 10 County Board Meeting. A 'Share Your Feedback Online' button is visible. A table lists upcoming events with columns for Date/Time, Location, and Event and Materials. To the right, there are sections for 'Contacts' (Planning and Media) and 'Events' with a calendar view showing dates from Oct 27 to Nov 3.

Date/Time*	Location	Event and Materials
Sept. 27	County Board Room	County Board directs the County Manager to develop a proposed Zoning Ordinance amendment and community outreach plan
Oct. 15	County Board Room	Board approves a Request to Advertise for public hearings on a proposed Zoning Ordinance amendment Board Report Staff presentation
Oct. 19, 7 p.m.	NRECA Building 4301 Wilson Blvd	ZOCO (Zoning Committee of the Planning Commission) Memorandum <a href="#">📄</a>
Oct. 27, 7 p.m.	Courthouse Plaza Room 311	Housing Commission Memorandum <a href="#">📄</a>
Nov. 1.	See Civic	Civic Federation

Questions?



# Authorized advertisement

	Element	Authorized Advertisement	Community Discussion
2	Accessory use	Accessory homestay would be allowed as accessory to a residential dwelling unit classified as Household Living	Advertisement does not allow for continued discussion of these elements
3	Home occupation use	Accessory homestay would be regulated as a home occupation and subject to both home occupations standards (except where noted) and additional standards unique to accessory homestay	
4	Signs	No signs would be allowed (consistent with other home occupations)	
5	Non-resident employees	Nonresident employees would be prohibited from performing work on the premises (excepting regular home maintenance). Other home occupations allow one nonresident employee.	

# Authorized advertisement

	Element	Authorized Advertisement	Community Discussion
21	Revocation of accessory dwelling permit	<p>An accessory homestay permit could be revoked by the Zoning Administrator:</p> <ul style="list-style-type: none"> <li>▪ If three or more substantiated complaints received by Zoning Administrator within one year</li> <li>▪ For failure to comply with regulations and permit conditions</li> <li>▪ For refusal to admit Zoning Administrator or designee into the dwelling</li> <li>▪ If revoked, no accessory homestay allowed for 1-2 years</li> </ul>	<p>Advertisement allows for consideration of the revocation period before a new accessory homestay may be approved, up to a maximum of 2 years</p>